



THOMAS COMITTA ASSOCIATES, INC.  
Town Planners & Landscape Architects

**Zoning Ordinance Amendments**  
**and**  
**Subdivision & Land Development Ordinance Amendments**

Malvern Borough – Chester County, PA

**AGENDA: Task Force Meeting #4 – April 11, 2024 at 2:30PM**

The items listed below are suggested for discussion at Task Force Meeting #4.

1. **Round-Table Discussion**
  - 1.1. Purpose statements in 222-01 of ZO
  - 1.2. Purpose statements in 181-102 of SALDO
  - 1.3. Article V. Design Standards in §181-500 and §181-501.
  
2. **Public Workshop #1**
  - 2.1. Agenda (see attached)
  - 2.2. Logistics
  
3. **Next Steps**
  - 3.1. Public Workshop #1: April 25, 2024 at 7PM
  
4. **Other**
  - 4.1. Questions; Comments; Concerns

**Section 220-101 Purposes. (Zoning)**

A. This chapter is enacted in accordance with the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, to promote, protect and facilitate the general health, safety, and welfare of the Borough of Malvern through the Purposes described below.:

- ~~(1) Coordinated and efficient community development.~~
- ~~(2) Provision of appropriate density of population, a diversity of housing types and in suitable areas of the Borough, and prevention from the overcrowding of land.~~
- ~~(3) Provisions of adequate light and air, open spaces, and recreational opportunities.~~
- ~~(4) Provision of safe and efficient travel for all modes of transportation.~~
- ~~(5) Provision of adequate vehicle parking and loading space.~~
- ~~(6) Provisions for appropriate water and sewer facilities and capacity.~~
- ~~(7) Provisions of police and fire protection, civil defense, disaster evacuation and national defense facilities.~~
- ~~(8) Provisions for schools, public grounds and other public requirements.~~
- ~~(9) Provisions for the protection of natural resources.~~
- ~~(10) Prevention of blight, danger, and loss of health, life or property from fire, flood, panic or other dangers.~~

- (1) To align with the Zoning Purposes in Section 604. of the Pennsylvania Municipalities Planning Code, including:
  - (a) coordinated community development;
  - (b) proper density of population;
  - (c) adequate light and air;
  - (d) adequate vehicle parking and loading space;
  - (e) adequate recreational facilities and public grounds;
  - (f) preservation of natural, scenic, and historic values in the environment;
  - (g) preservation of forests, wetlands, aquifers, and floodplains;
  - (h) prevention of overcrowding of land, congestion in transportation, and loss of property from flood or other dangers;
  - (i) accommodation of opportunities for development of a variety of residential dwelling types and nonresidential uses.

- (2) To align with Section 603. Ordinance Provisions of the Pennsylvania Municipalities Planning Code.

- (3) To align with the Malvern Borough 2022 Comprehensive Plan Update including the Vision statement and Key Values statements to:
  - (a) continue to function as a small town that celebrates its history, green spaces, varied neighborhoods, and vibrant downtown;
  - (b) minimizing and mitigating adverse impacts on the environment, vehicular and pedestrian circulation, transportation, neighborhoods, historic resources, and Old Town Malvern.

- (c) preserving and enhancing community assets by preserving the historic, small town character and green spaces;
- (d) promoting resiliency of the environment, economy, infrastructure, green infrastructure, and municipal services;
- (e) promoting local and regional connectivity of open spaces, natural resources, and neighborhoods;
- (f) promoting a healthy and resilient environment that promotes social interaction, relaxation, recreation, and a sense of place; and
- (g) fostering a vibrant and diverse community that supports local businesses and helps steward the environment.

(4) To help implement the Malvern Borough Comprehensive Plan in order to:

- (a) promote Accessory Dwelling Units (ADU's) to enable low impact residential growth;
- (b) promote mixed housing types in the LI Districts;
- (c) unify the Downtown Malvern Commercial Districts to better enable increased vitality and vibrancy;
- (d) protect and conserve Historic Resources and community character to a greater degree;
- (e) sustain the character in the I Districts as places with historic, educational, environmental, open space, recreational, and community service values;
- (f) promote climate resiliency relative to elements such as landscaping, energy systems, and green infrastructure;
- (g) protect woodlands and riparian buffers to a greater degree as natural habitats with native species; and
- (h) ensure consistency with the Official Map of Malvern Borough.

- B. This chapter is made in accordance with an overall Borough planning program, and with consideration ~~for~~of the character of the Borough, its various parts and the suitability of the various parts for particular uses and structures.

**§181-102. Purpose. (SALDO)**

This chapter is adopted for the following purposes:

- A. To further the goals and policies of the ~~1999-2022~~ Malvern Borough Comprehensive Plan Update.
- B. To promote the health, safety, and general welfare of the residents of the ~~municipality~~Borough of Malvern.
- C. To promote the conservation and enhancement of community character, protect the historic character, and facilitate the ~~redevelopment of the central business district~~ ongoing vibrancy of the downtown.
- D. To ensure the development of land will be conducted with due regard to topography, geologic conditions, and natural and cultural resources, so that the highest quality environment is obtained.
- E. To promote the maintenance and enhancement of the quality of life in the Borough.
- E.F. To ensure that proper provisions shall be made for adequate, safe, and efficient pedestrian and vehicular access and circulation, stormwater management, green infrastructure, water supply, wastewater treatment and disposal, public utilities and other community services and facilities, and to provide for adequate coordination of existing and new facilities.
- F.G. To provide for adequate light, air, open space, recreation, street trees, and landscape quality, and streetscapes.
- G.H. To promote a diverse and effective recreational network for active and passive recreation at parks, playfields, playgrounds, plazas, historic sites, and in areas with heritage trees and woodlands.
- H.I. To encourage and promote flexibility, economy and ingenuity in the layout and design of subdivisions and land developments to facilitate realization of these purposes.
- I.J. To minimize and mitigate adverse impacts on the environment, vehicular and pedestrian circulation, transportation, neighborhoods, historic resources, and Old Town Malvern.
- K. To ensure consistency with the Official Map of Malvern Borough.
- H.L. To establish procedures and standards for observance by applicants, the Planning Commission and Borough Council.

## Article V. Design Standards

### §181-500. Applications

- A. The ~~following~~-subdivision and land development principles, standards and requirements set forth in this Article V. will shall be applied by the Borough in evaluating plans for proposed subdivisions and land developments.
- B. The standards and requirements ~~outlined-stated~~ herein shall be considered minimum standards and requirements for the promotion of the public health, safety, and general welfare of Malvern Borough .
- C. Whenever ~~municipal-state~~ or other applicable statutes, regulations, rules and codes impose more restrictive standards and requirements than those ~~outlined-set forth~~ herein, such other regulations shall control.
- D. The Borough reserves the right to waive, modify, extend, or increase any of the minimum standards set forth herein if conditions so warrant or as may be necessary in the public interest, or where requested by an applicant as set forth in § 181-802.

### § 181-501. General standards.

- A. All portions of a tract or lot being subdivided or developed shall be ~~taken-up~~comprised in lots, streets, open spaces, or other proposed uses so that remnants and landlocked areas shall not be created. Reserve strips controlling access to lots, public rights-of-way, public lands or adjacent private lands ~~are-shall~~ not be permitted, except where approved by Borough Council.
- B. Land shall be developed in conformance with the Borough's Zoning Ordinance,[1] Comprehensive Plan, ~~Revitalization Plan~~ and other plans, ordinances, codes, and regulations in effect in the Borough. [1] Editor's Note: See Ch. 220, Zoning.
- C. Land shall be developed in conformance with all pertinent statutes, regulations, rules and codes of federal, state and county agencies ~~concerned-with~~pertaining to -subdivision, land development, construction ~~and-of~~ improvements, or any other activity arising out of or related thereto in any way whatsoever.
- D. The design of all subdivisions and land developments shall preserve ~~and protect; insofar as practicable~~, the natural terrain, natural drainage, ~~and~~ existing trees and woodland, water resources, and other natural features.
- E. The design of all Subdivisions and Land Developments shall be consistent with the Purposes stated in §181-102, in order to create context-sensitive land development to protect the character of Malvern Borough.
- F. Subdivision and land developments shall respect the character of Malvern Borough, as it is represented by the assets described below:

- (1) the interconnected street and alley network (and development shall not create dead end streets or alleys, or remove existing streets or alleys);
- (2) the interconnected sidewalk and crosswalk network (and development shall not create dead end sidewalks or crosswalks, or remove existing sidewalks or crosswalks);
- (3) the street tree network (and development shall not remove existing street trees without providing replacement trees);
- (4) the heritage trees over 36 inches diameter at breast height (DBH) (and development shall not remove these trees or not provide replacement trees);
- (5) the historic buildings 50 years and older (and development shall not demolish such buildings); and
- (6) the public parks and public recreational areas (and development shall not eliminate parks or recreational facilities or convert the parks or recreational facilities to private use).



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## **Public Workshop #1: April 25, 2024 from 7 to 8:30PM**

### **AGENDA** (for review on 4-11-2024)

Malvern Borough – Chester County, PA

#### **1. Welcome**

Mayor Zeyn B. Uzman

#### **2. Introduction**

Elected Officials, Staff, Consultants

#### **3. Overview on the Ordinance Amendments Process**

Tiffany M. Loomis, Borough Manager

- + Step 1. Process to Date
- + VPP Grant Application for Future Work

#### **4. Work Products to Date & Borough Assets and Improvements**

Thomas J. Comitta, AICP, and Erin L. Gross, AICP

- + Purpose Statements, and General Design Standards
- + What Assets of the Borough are most Important to You?
  - street & alley network
  - sidewalk & crosswalk network
  - street trees & streetscape
  - heritage trees
  - historic buildings, 50 years and older
  - public parks and public recreational areas
  - other?
- + What improvements should we address while implementing the Malvern Borough Comprehensive Plan of 2022?
  - Accessory Dwelling Units
  - Flexible Zoning in the Commercial Districts
  - Business friendly parking regulations
  - Redevelopment opportunities in the Industrial Districts
  - Historic Resource Protection
  - Woodland Protection
  - Climate Resilient Landscaping
  - other?

#### **5. Considerations for Zoning Map Changes**

Wendy McLean, Esq., Borough Solicitor

- + Consolidation of the C-1, C-2, C-3, and C-4 Districts into one “C” District

#### **6. Your Thoughts, Comments, Suggestions, Questions**

All participants